

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, DECEMBER 2, 2010 AT 7:00 P.M.**

The meeting was called to order by Mayor Michael P. Manning at 7:00 P.M.

Roll call showed that Mayor Michael P. Manning, Councilwoman Ellen R. Fogarty and Councilman Nicholas W. Foglia were present.

Also present from City Administration were: Mark Gleason; General Manager, Yorden C. Huban; Corporation Counsel, Bruce A. Hidley, City Clerk and Clerk to the Council, Rosemary Nichols, Deputy General Manager of Economic Development and Planning, Robert A. Fahr, Director of Finance, Police Chief Ron Boisvert and Captain Scott Skinner

A motion was made and seconded to dispense with and accept the minutes from the previous City Council Meeting.

Before beginning the business portion of the City Council Meeting Mayor Michael P. Manning requested Regina Warner come up for a presentation. Mayor Manning explained that recently Ms. Warner was recognized by the Albany County Senior Citizen Services for the work she has contributed. Mayor Manning noted that on behalf of the City Council and the residents of the City of Watervliet he has a proclamation for all her hard work and dedication to the City of Watervliet. Mayor Manning recognized that on November 29, 2010 as Regina Warner Day in the City of Watervliet.

REPORT OF OFFICERS AND COMMITTEES

ITEM #1 – Mark Gleason, General Manager informed the Council that the docks in Hudson Shores Park have removed from the river and placed in storage. Hudson Shores Park has been officially closed to vehicle traffic. Mr. Gleason noted that you may still gain access to the park by walking or by bicycle. Mr. Gleason thanked Kevin Shufelt, owner of the Rusty Anchor and the Department of Public Works staff for the quick work getting the docks out.

ITEM #2 – Mark Gleason, General Manager informed the Council that the leaf and grass clipping program will end on Friday, December 3, 2010.

ITEM #3 – Mark Gleason, General Manager informed the Council that work has begun by James H. Maloy Construction Corp. on the Service Reservoir on Rt. 155 in the Town of Colonie. The Service Reservoir is considered a dam by the NYS Department of Environmental Conservation, it contains a 3 day supply of water for the Water Plant. The project will shore up the toe of the bank, create a berm around the reservoir as well as cut back weed and tree growth. Mr. Gleason noted that the project will also include fence repairs and some new fencing. In October residents around the reservoir were informed of the project and asked to move any possessions they owned on City property. All items were moved off the City's property. Mr. Gleason stated that the project is slated for completion in December.

ITEM #4 – Mark Gleason, General Manager informed the Council that due to the nationwide shortage of schott 220 photo solar cells the solar project at the Fire House and the Senior Citizen Center have been upgraded to use schott 230 photo cells. This is a great opportunity for the City due to the fact that the new photo cells will increase the KW output by 5% at no cost. This will push out the project a bit longer than originally anticipated.

ITEM #5 – Mark Gleason, General Manager requested Bruce A. Hidley, City Clerk to update the Council on the bid for the City's insurance policy. Mr. Hidley explained to the Council that on Thursday, November 16th the City received bids for its insurance for the period January 1, 2011 thru December 31, 2013. The City received two bid proposals the first was R.J. Carignan and Company who currently is the City's insurance carrier in the amount of \$124,696.00. The second bid was provided by Marshall & Sterling in the amount of \$134,579.00. Mr. Hidley recommended to the City Council that the City award the bid to R.J. Carignan and Company. Additionally, R.J. Carignan and Company gave the City an option for higher umbrella limits up to \$5,000,000.00. The additional premium would come up to \$2,666.00 for the additional umbrella limit of \$5,000,000.00. By adding the additional limit Carignan's proposal would still be lower. Robert A. Fahr, Director of Finance also noted for the Council that Marshall & Sterling did not include Public Officials Liability coverage in the cost of their proposal. Mayor Manning asked if the premium amount was up or down from last year. Mr. Fahr responded by saying that the premium would be lower than last years amount with the increased coverage.

OLD BUSINESS

PUBLIC HEARING – A Public Hearing regarding Local Law No. 4-2010 adopting amendments to Article 7 of the New York State Agriculture and Markets law, Part T of Chapter 59 of the Laws of 2010. (See Resolution No. 8639 authorizing the Public Hearing). Mayor Manning explained that this Local Law basically puts the City's laws in place to take the transfer of dog licensing from the State of New York. The State mandated that they will no longer do the administration of dog licensing. The City needed to update their laws to accommodate the change.

Mayor Manning opened the Public Hearing for comment. There being no comment Mayor Manning closed the Public Hearing.

PUBLIC HEARING – A Public Hearing regarding the Estimate of Revenue and Expenditures for the fiscal year 2011 commencing on January 1, 2011. (See Resolution No. 8643 authorizing the Public Hearing). Mayor Manning explained that this year the Estimate of Revenue and Expenditures will result in a 1.5% tax increase.

Mayor Manning opened the Public Hearing for comment, there being no comment Mayor Manning closed the Public Hearing.

NEW BUSINESS

LOCAL LAW NO. 4-2010 – A Local Law of the City of Watervliet adopting the amendments to Article 7 of the New York State Agriculture and Markets Law, Part T of Chapter 59 of the Laws of 2010. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Local Law was approved and adopted.

RESOLUTION NO. 8644 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with the Capital District Physicians Health Plan for the period January 1, 2011 thru December 31, 2011. Before voting Bruce A. Hidley, City Clerk explained that this is the contract for the City of Watervliet rates with C.D.P.H.P. for 2011. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8645 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley, City Clerk to advertise once in the official newspaper that the City of Watervliet will accept proposals from qualified firms in providing assistance with conducting Lead Assessment in compliance with the U.S. Environmental Protection Agency on Thursday, December 16, 2010 at 10:00 A.M. in the City Clerks Office, City Hall, #2-15th Street, Watervliet, New York. Before voting Rosemary Nichols, Deputy General Manager of Economic Development and Planning explained that this was on the agenda at the last City Council Meeting there was an inconsistency between the date in the Council's Resolution and the date of the bid documents. This allows everyone interested in bidding fair treatment. Ms. Nichols also discussed Resolution No. 8646 which is the official notice allowing the City to publish a Notice of Intent for Release of Funds for the Senior Citizen Rehabilitation Grant the City already received. This will comply with the federal regulations of the grant. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8646 – The Council of the City of Watervliet authorizes Bruce A. Hidley, City Clerk to advertise once in the official newspaper that the City of Watervliet is publishing a Notice of Intent for Release of Funds in connection with the Senior Citizens Rehabilitation Grant Program pursuant to the Comprehensive Community Development Block grant recently awarded to the City. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8647 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with Murphy Foundation Consulting Service, LLC for the period January 1, 2011 thru December 31, 2011. Before voting Mark Gleason, General Manager explained that this is Paul Murphy's consulting group which has been very successful working with the Economic Development Department, very successful with grant writing and a good person to go for with advice. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8648 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with James Bulmer, LLC for the period January 1, 2011 thru December 31, 2011. Before voting Mark Gleason, General Manager explained that Jim Bulmer is working for the City as a consultant for infrastructure work, 19th Street Reconstruction and the Upper/Lower Dam Project. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8649 – The Council of the City of Watervliet authorizes Bruce A. Hidley, City Clerk to advertise once in the official newspaper that the City of Watervliet is publishing a combined finding of no significant impact and Notice of Intent to request Release of Funds in connection with the 2010 Dry River Storm System Flood Control Project Grant pursuant to the Comprehensive Community Development Block Grant awarded to the City of Watervliet. Before voting Rosemary Nichols, Deputy General Manager of Economic Development and Planning explained to the Council that this is the mirror image for the other half of the funding from CDBG for 2010. This is a relatively routine maintenance activity in conjunction with the Dry River Flood System. Ms. Nichols noted that this is the Notice of Intent to request the money from CDBG. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8655 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with General Code Publishers, 72 Hinchey Rd., Rochester, New York 14624 for Municipality Web, Laserfiche Integration and Laserfiche upgrade to Version 8 in the amount of \$7,935.00.

Before voting Bruce A. Hidley, City Clerk and Clerk to the Council explained that this will allow the City of Watervliet to put parcel information online, the laserfiche integration will allow City employees to store data on the server directly from their computer instead of scanning everything and this will upgrade the laserfiche to the most current technology available. Rosemary Nichols, Deputy General Manager of Economic Development and Planning explained that this is intended to implement some the GIS that has been discussed at previous meetings. Mayor Manning noted that this will be partially paid for through a grant from the NYS Archive Department. Once this is fully installed information will only be a click away. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8656 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley, City Clerk to advertise once in the official newspaper that the City of Watervliet and once in the minority publication that the City of Watervliet will accept submissions until 3:00 P.M. on December 29, 2010 regarding a Request for Proposal for engineering services in connection with a public facility project for the City. Before voting Rosemary Nichols, Deputy General Manager of Economic Development and Planning explained that this is the bid on Resolution 8649 that will allow the City to obtain engineering services for the Dry River Storm System Flood Control Project. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

RESOLUTION NO. 8650 – The Council of the City of Watervliet hereby authorizes not to exceed \$134,000.00 of aggregate principal amount of Serial General Obligation Bonds to finance the cost of the ambulance purchase. Robert A. Fahr, Director of Finance explained to the Council that the next five Resolutions will be included in the 2011 long term bond issue if passed by the City Council tonight. Mr. Fahr noted that right now is a great time to go long term with the City bond rating and also with the rates so low compared historically to previous years. When the \$134,000.00 is obtained the money will be placed into the Equipment Reserve Account. The \$134,000.00 will be paid over a ten year period. Mayor Manning explained that the City has to purchase a new ambulance to meet the Department of Health certification requirements. This program is an asset to the community and important to the City Council which is why a new ambulance was decided on. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8651 – The Council of the City of Watervliet hereby authorizes not to exceed \$185,000.00 of aggregate principal amount of Serial General Obligation Bonds to finance the cost of the communications upgrade for the Police, Fire/EMS and Public Works Departments. Police Chief Boisvert explained that he provided the Council and General Manager with a package about the new communications system.

The FCC will require some new regulations related to communications by the year 2013. In light of that fact it was decided to go with a digital platform whereby you won't have to worry about frequencies anymore. It will provide a more reliable and stable communications network throughout the City. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8652 – The Council of the City of Watervliet hereby authorizes not to exceed \$300,000.00 of aggregate principal amount of Serial General Obligation Bonds to finance the cost of the Watervliet Reservoir Expansion Project. Before voting Robert A. Fahr, Director of Finance explained that this is Phase II of the Watervliet Reservoir Expansion Project. This will reimburse for costs in 2010 and also take care of the complete regulatory process for licensing and permitting in 2011. Mayor Manning explained that this will increase the capacity of the Reservoir and would provide the City with an opportunity to sell more water. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8653 – The Council of the City of Watervliet hereby authorizes not to exceed \$585,000.00 of aggregate principal amount of Serial General Obligation Bonds to finance the cost of the Reconstruction of the Dry River Project. Before voting Robert A. Fahr, Director of Finance explained that this the amount of money spent over the last two years. The City Applied for a grant and did not receive it. The City will finance this project over a twenty year period. Mayor Manning noted that this was to perform work that a Consent Order ordered the City to perform. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8654 – The Council of the City of Watervliet hereby authorizes not to exceed \$360,000.00 of aggregate principal amount of Serial General Obligation Bonds to finance the cost of the Delta Dam Project. Before voting Mayor Manning stated that in 2011 this will feature the City of Watervliet applying for the license, finalizing design and finalizing a land use agreement with NYS Canal Corp on the project to build a 5 megawatt hydro facility on Delta Dam on Delta Reservoir in Rome, New York. This will cover the engineering and permitting costs in 2011. The construction will hopefully take place in 2012. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

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Before moving into the Public Comment Period Mayor Manning announced that a Public Hearing was held tonight on the budget and no comments were made. The actual passing of the Budget will be on Thursday, December 16, 2010.

Mayor Manning wanted to recognize that a nice ceremony took place on Wednesday, December 1, 2010, at the Watervliet Fire House. The event was the annual Tree Lighting in memory of Fire Chief Thomas McCormack. It was a nice event and it was nice to see a great turnout from old friends and new friends who were touched by Chief McCormack.

Mayor Manning announced that the City of Watervliet Tree Lighting will be held on Saturday, December 4, 2010 at Watervliet Veterans Memorial Park from 4:00 P.M. until 6:00 P.M. There will be a lot of activities which includes a visit from Santa.

Mayor Manning announced that the City met with the NYS Canal Corp related to a scoping meeting on the next steps for this project to stay on track for the delta Dam Project. The NYS Canal Corp. has been very cooperative and very supportive with this project. The only issue is the time it takes to go through some of these procedures.

PUBLIC COMMENT PERIOD

Charlie J. Diamond – 22 Manor Place – Watervliet, New York – Mr. Diamond explained that he is a formal City Council member of over 15 years. Mr. Diamond expressed his deepest condolence to Robert Fahr who lost his father and Greta Gilchrist who lost her mother. Mr. Diamond thanked all of the Council and the public for all of their support and friendship during his 15 years on the City Council. Mr. Diamond talked about a tradition where a street is named after a City Manager. Mr. Diamond named a couple of the roadways already named after City Managers. Mr. Diamond read a biography from Michael E. Gilchrist a retired General Manager and Paul S. Murphy a retired General Manager. Mr. Diamond stated that both of these gentlemen navigated the City through some very difficult times. The words that described both gentlemen were articulate, bright, progressive, witty, opinionated and once in a while the word patient. They used their intelligence, wisdom and courage to make this City a better place to live and work. Mr. Diamond feels a fitting way to pay tribute to former City Managers Mr. Gilchrist and Mr. Murphy would be to continue the tradition of naming a street after them. Mr. Diamond suggested Murphy Drive in Hudson Shores Park and Gilchrist Drive at the Hydroelectric Facility. Mr. Diamond thanked the Council for their time and for taking his message to heart. Mr. Diamond hopes the City Council considers this proposal he discussed tonight. Mayor Manning stated that this is a good idea.

Paul Y. Huban – 1500 12th Avenue – Watervliet, New York – Mr. Huban discussed his concern which is the 19th Street Reconstruction Project. Mr. Huban asked about the catch basins on the streets which are higher than the blacktop which is causing ponding. Mr. Huban wanted to know why no one was on top of this issue, why wasn't the water shutoffs on the mains raised. Mr. Huban feels that someone dropped the ball. Mr. Huban further stated that the City paid a lot of money to Clough Harbour Associates to work as the engineers overseeing this project. What is the end result and how will this issue be resolved. Mr. Huban feels that the blacktopping seams are not correct. Mr. Huban feels that the residents of the City of Watervliet ended up on the wrong end of the stick on this project. Mark Gleason, General Manager explained that the 19th Street reconstruction Project is not over. Mr. Gleason has a meeting scheduled for Monday, December 6th. Mr. Gleason stated that at the last storm he went out with Police Chief Ron Boisvert to check the catch basins. They found only one episode of ponding in the area. Mr. Huban said he is wrong. Mr. Gleason noted that during a two inch storm that was the only ponding. Mr. Gleason respectfully requested that Mr. Huban take a picture of the areas he has seen ponding at. Mr. Gleason will take a ride with Mr. Huban to review the area when a heavy rain happens again. Mr. Gleason stated that there is a way to lower/raise a catch basin according to the Clough Harbour Engineers. Mr. Huban's main issues are the catch basins, manholes, blacktopping and water shutoffs. Mr. Huban feels that in light of the fact that the Mayor is an engineer he should have picked up on these problems. Mr. Gleason noted that mayor Manning is not a construction engineer. Mr. Gleason further explained that the project is not over and that a meeting will be held on Monday to go over punch list items along with other concerns. Mayor Manning stated that he had the same concerns about the seams. Mayor Manning has looked at other paving projects which have the same seam type of blacktop work. Mayor Manning is taking all of Mr. Huban's under consideration.

Dominick Reina -1283 3rd Avenue – Watervliet, New York – Mr. Reina explained that he moved to Watervliet nearly three years ago. This was their first home together. They love their property and have done a lot to improve their home. Mr. Reina stated that his property is currently on the market for sale. Mr. Reina feels that they are having trouble selling this property. People who view the property say they love the property, love the house but hate the block. The neighbor to the right's home is in disrepair. Mr. Reina has contacted the Code Enforcement Department and some improvements have been made. The homeowner does only what they have to get people off their back. Mr. Reina cited some of the problems with this home. Another blighted property is directly across the street. He feels that there is no follow up by the Building Department. Mr. Reina feels there are too many inconsistencies in the system. Mr. Reina would like the Council to come take a walk on the block to see what he is talking about.

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There being no further comments, Mayor Manning closed the Public Comment Period.

There being no further business to come before the Council a motion was made and seconded to adjourn the meeting into Executive Session, the meeting was adjourned into Executive Session at 7:50 P.M.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council

**MINUTES OF THE MEETING OF THE EXECUTIVE SESSION OF THE COUNCIL
OF THE CITY OF WATERVLIET, THURSDAY, DECEMBER 2, 2010**

The Meeting was called to Order by Mayor Michael P. Manning at 8:00 P.M.

Roll call showed that Mayor Michael P. Manning, Councilwoman Ellen R. Fogarty and Councilman Nicholas Foglia were present.

Also present from City Administration were: Mark Gleason, General Manager, Bruce A. Hidley, City Clerk and Clerk to the Council, Robert A. Fahr, Director of Finance, Police Chief Ron Boisvert and Acting Fire Chief Scott Skinner.

ITEM #1 – Mayor Manning discussed a personnel issue related to the Watervliet Fire Department.

ITEM #2 – Mark Gleason discussed a Building Department issue related to a building that has structural and public safety issues.

There being no further business to come before the Executive Session a motion was made and seconded to adjourn the Executive Session.

The Executive Session was adjourned at 8:20 P.M.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council